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EXAMINER

BAUM, RONALD

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/616,698	<b>Applicant(s)</b> COLLENS ET AL.	
	<b>Examiner</b> RONALD BAUM	<b>Art Unit</b> 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-42 and 44-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-42 and 44-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in reply to applicant's correspondence of 26 March 2009.
2. Claims 16-42, 44-48 are pending for examination.
3. Claims 16-42, 44-48 are rejected.

### ***Requirement for Information***

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application, insofar as the submitted information disclosures (IDS) of 10 March 2008 are concerned.

In response to this requirement, please state whether any search of prior art was performed. If a search was performed, please state the citation for each prior art collection searched, insofar as any art retrieved from said search considered material should be cited ***with a specificity that cites only the relevant*** passages, pages, paragraphs, figures, tables, drawings, and the like, so as to not to place an undue burden upon the examiner.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the

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scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This Office action has a requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the said requirement for information. The time period for reply to the said requirement coincides with the time period for reply to this Office action.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 16-42, 44-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al, U.S. Patent 6,226,618 B1.

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***Prior Art's Broad Disclosure vs. Preferred Embodiments***

6. As concerning the scope of applicability of cited references used in any art rejections below, as per MPEP § 2123, subsection R.5. Rejection Over Prior Art's Broad Disclosure

Instead of Preferred Embodiments:

I. PATENTS ARE RELEVANT AS PRIOR ART FOR ALL THEY CONTAIN "The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain." In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989). See also > Upsher-Smith Labs. v. Pamlab, LLC, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005) (reference disclosing optional inclusion of a particular component teaches compositions that both do and do not contain that component); < Celeritas Technologies Ltd. v. Rockwell International Corp., 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23 (Fed. Cir. 1998) (The court held that the prior art anticipated the claims even though it taught away from the claimed invention.). > See also MPEP § 2131.05 and § 2145, subsection X.D., which discuss prior art that teaches away from the claimed invention in the context of anticipation and obviousness, respectively.<

II. NONPREFERRED AND ALTERNATIVE EMBODIMENTS CONSTITUTE PRIOR ART  
Disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. In re Susi, 440 F.2d 442, 169 USPQ 423 (CCPA 1971). "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). Furthermore, "[t]he prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Downs et al *generally* teaches and suggests (i.e., Abstract, figures 1-16 and associated descriptions in general) the limitations set forth in the claims below.

7. As per claim 16; "A method, comprising:  
  
at a first node in a network,  
  
distributing digital content to a second node in said network,  
  
said digital content representing at least a portion of a media stream,  
  
at least a portion of said digital content  
  
being encrypted by  
  
a first encryption key [*Abstract, figures 1-16 and  
accompanying descriptions, and more particularly sections I-VI,*

*VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured content (' digital content representing at least a portion of a media stream '), secured meta-data, secured licensing/metering and secured cryptographic parameters & encryption/decryption key(s) communications between network node entities (i.e., content creators (' digital content ... encrypted ... first encryption key '), distributors, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of secured containers (SC), clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.],*

said distributing comprising:

(a) receiving a first decryption key,

said first decryption key

being encrypted by a second encryption key,

said second encryption key

being pre-assigned to said first node

*[Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-VI,*

*VIII, IX, whereas the secure digital content*

*electronic distribution system/methods utilization of*

*separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key(' receiving a first decryption key ... being encrypted by a second encryption key ') communications between network node entities (i.e., content creators (' pre-assigned to said first node '), distributors (' distributing to a second node '), licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.];*

(b) decrypting said first decryption key

using a second decryption key

associated with said second encryption key,

said second decryption key

being pre-assigned to said first node

*[Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-VI, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of*

*separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key (' decrypting said first decryption key ... a second decryption key ') communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.];*

(c) decrypting said digital content

using said first decryption key [*Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-VI, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors ('decrypting said digital content ... using said first decryption key '), licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the*



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*claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patentably distinguishing the claim over the prior art.];*

(d) re-encrypting at least a portion of said digital content

using a re-encryption key [*Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-VI, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors (' re-encrypting at least a portion of said digital content ... using a re-encryption key '), licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so comprised, as broadly interpreted by the examiner, and thereby not patentably distinguishing the claim over the prior art.]."*

As per claim 32, this claim is the apparatus claim for the method claim 16 above, and is rejected for the same reasons provided for the claim 16 rejection.

As per claim 48, this claim is the embodied software claim for the method claim 16 above, and is rejected for the same reasons provided for the claim 16 rejection.

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8. Claim 17 additionally recites the limitation that; “The method as in claim 16, further comprising:

by a user of said digital content,

receiving a decryption key

associated with said re-encryption key.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-VI, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses (' [receiving] a decryption key ... associated with said re-encryption key '), and users/user presentation (' by a user of said digital content '), display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patentably distinguishing the claim over the prior art.).

As per claim 33, this claim is the apparatus claim for the method claim 17 above, and is rejected for the same reasons provided for the claim 17 rejection.

9. Claim 18 additionally recites the limitation that; “The method as in claim 16, further comprising:

receiving at least one of

(a) said re-encryption key,  
(b) a decryption key  
associated with said re-encryption key,  
at a server  
having access to  
said first decryption key.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-VI, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses (' [receiving] ... re-encryption key ... a decryption key ... associated with said re-encryption key ... at a server '), and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

As per claim 34, this claim is the apparatus claim for the method claim 18 above, and is rejected for the same reasons provided for the claim 18 rejection.

10. Claim 19 additionally recites the limitation that; “The method as in claim 16, further comprising:

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receiving  
said re-encryption key  
from a server  
having access to  
said first decryption key.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-VI, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors (' [receiving] ... re-encryption key ...from a server '), licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

As per claim 35, this claim is the apparatus claim for the method claim 19 above, and is rejected for the same reasons provided for the claim 19 rejection.

11. Claim 20 additionally recites the limitation that; “The method as in claim 16, wherein at least one pair of:

that said first encryption key and  
said first decryption key,

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said second encryption key and  
said second decryption key,  
said re-encryption key and  
a decryption key associated with  
said re-encryption key,  
include  
associated keys in  
a public-key cryptosystem.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections III, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key (' one pair ... encryption key ... decryption key ... public-key cryptosystem ') communications between network node entities, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

As per claim 36, this claim is the apparatus claim for the method claim 20 above, and is rejected for the same reasons provided for the claim 20 rejection.

12. Claim 21 additionally recites the limitation that; “The method as in claim 16, wherein

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at least one pair of:

said first encryption key and

said first decryption key,

said second encryption key and

said second decryption key,

said re-encryption key and

a decryption key associated with

said re-encryption key,

include

associated keys in

a symmetric-key cryptosystem.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections III, VIII, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key (' one pair ... encryption key ... decryption key ... symmetric-key cryptosystem ') communications between network node entities, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

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As per claim 37, this claim is the apparatus claim for the method claim 21 above, and is rejected for the same reasons provided for the claim 21 rejection.

13. Claim 22 additionally recites the limitation that; “The method as in claim 16, wherein said second node includes one or more of:

a recipient user,

a presentation device.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections IX-X, whereas the secure digital content electronic distribution system/methods utilization of separate content creators, distributors, secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities, licensing/metering clearinghouses, and users (' second node ... a recipient user ')/user presentation, display and rendering devices (' second node ... a presentation device ')) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

As per claim 38, this claim is the apparatus claim for the method claim 22 above, and is rejected for the same reasons provided for the claim 22 rejection.

14. Claim 23 additionally recites the limitation that; “The method as in claim 16, wherein said re-encryption key

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is responsive to information from  
said first node.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-V, VII-IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors (' re-encryption key ... responsive to information from [meta-data dealing with authorship of multimedia]'), licensing/metering [meta-data dealing with authorship multimedia compensation aspects] clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

As per claim 39, this claim is the apparatus claim for the method claim 23 above, and is rejected for the same reasons provided for the claim 23 rejection.

15. Claim 24 additionally recites the limitation that; “The method as in claim 16, including steps of  
renewing or  
revoking  
a license associated with  
said media stream.”.



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The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections IV-V, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing ('renewing ... revoking ... license ... media')/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

16. Claim 25 additionally recites the limitation that; "The method as in claim 16, wherein at least one of:

(a) said first decryption key,

(b) a decryption key associated with said re-encryption key

is associated with

a set of restrictions on

a license to

said digital content."

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections IV-V, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing ('first decryption key ... decryption key associated with ... set of restrictions ... license ... digital

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content ')/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patentably distinguishing the claim over the prior art.).

As per claim 40, this claim is the apparatus claim for the method claim 25 above, and is rejected for the same reasons provided for the claim 25 rejection.

17. Claim 26 additionally recites the limitation that; “The method as in claim 25, wherein those licensing restrictions include at least one of:

- a first date or time at which

- presentation is allowed for said media stream;

- a last date or time at which

- presentation is allowed for said media stream;

- a limited number of

- presentations allowed for said media stream;

- a limited physical region at which

- presentation is allowed for said media stream;

- a charge, cost, fee, or subscription associated with allowing

- presentation of said media stream;

- a type of

presentation device;  
an output format for  
a presentation device;  
a set of  
specific presentation devices;  
a bit rate, sampling rate, or other measure of granularity or precision for  
a presentation device.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections IV-V, IX-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing ('restrictions ... date or time ... type of ... presentation device ... specific presentation devices') /metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses, and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

As per claim 41, this claim is the apparatus claim for the method claim 26 above, and is rejected for the same reasons provided for the claim 26 rejection.

18. Claim 27 additionally recites the limitation that; “The method as in claim 16, wherein a decryption key associated with that re-encryption key

is pre-assigned to at least one of:

said second node,

a user of that digital content,

a presentation device associated with

a user of that digital content.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-II, IX-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses, and users /user (' decryption key ... pre-assigned to ... a user of said digital content ... presentation device ') presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

As per claim 42, this claim is the apparatus claim for the method claim 27 above, and is rejected for the same reasons provided for the claim 27 rejection.

19. Claim 28 additionally recites the limitation that; “The method as in claim 16, wherein distributing digital content to at least one of:

(a) said first node,

(b) said second node,

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(c) a user node

include

reading at least a portion of

said digital content from

physical media.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I, III, V, IX, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors (' distributing digital content ... node ... user node ... digital content from ... physical media [CD, DVD, etc.,]), licensing/metering clearinghouses, and users /user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

20. Claim 29 additionally recites the limitation that; “The method as in claim 16, wherein said digital content includes at least one of:

metadata about said media stream;

some information capable of

inspection by a user other than

for presentation of said media stream.”.

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The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections V-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators ('digital content includes ... metadata about said media stream ... information ... inspection by a user [content author, artist, multimedia title, etc.,]'), distributors, licensing/metering clearinghouses, and users /user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

As per claim 44, this claim is the apparatus claim for the method claim 29 above, and is rejected for the same reasons provided for the claim 29 rejection.

21. Claim 30 additionally recites the limitation that; "The method as in claim 16, further comprising:

delivering, to a user of said digital content,

said digital content in a form

being locked against inspection or tampering

by said user;

separately delivering, to said user,

a license including

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a content key capable of  
unlocking said digital content,  
said content key  
being locked against inspection or tampering by devices  
other than a selected presentation device  
owned by said user;  
wherein  
the selected presentation device is associated with  
a presentation device key,  
a secure portion of the presentation device being capable of  
unlocking said license using  
said presentation device key;  
with the effect that  
presentation of that digital content  
is restricted to  
said selected presentation device.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections I-V, VII-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses (' delivering, to a user ... content in a form ... locked against

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inspection or tampering [license access control/authorization aspects] ... '), and users/user presentation (' selected presentation device ... presentation device key ... unlocking said license ... presentation of said digital content ... restricted to ... presentation device '), display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patentably distinguishing the claim over the prior art.).

As per claim 45, this claim is the apparatus claim for the method claim 30 above, and is rejected for the same reasons provided for the claim 30 rejection.

22. Claim 31 additionally recites the limitation that; "The method as in claim 16, further comprising:

at a license server receiving an indication of  
distribution of said digital content;  
initiating delivery of  
said first decryption key to  
said first node;  
separately initiating delivery of  
a license for said digital content, said license including  
a content key capable of  
unlocking said digital content;  
wherein said license is delivered in time to at least one of



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- (a) a user of said digital content,
- (b) a device for presenting said digital content, or
- (c) a node in said network.”.

The teachings of Downs et al are directed towards such limitations (i.e., Abstract, figures 1-16 and accompanying descriptions, and more particularly sections IV-V, VII, IX-X, whereas the secure digital content electronic distribution system/methods utilization of separate secured licensing/metering and secured cryptographic parameters & encryption/decryption key communications between network node entities (i.e., content creators, distributors, licensing/metering clearinghouses (' at a license server ... indication of distribution... initiating delivery ... decryption key ... separately initiating delivery of ... license ... unlocking said digital content [license access control/authorization aspects] ... delivered in time to ... user ... device for presenting ...'), and users/user presentation, display and rendering devices) via the use of SCs, clearly encompassing the claimed limitations, so *comprised*, as broadly interpreted by the examiner, and thereby not patently distinguishing the claim over the prior art.).

As per claim 46, this claim is the apparatus claim for the method claim 31 above, and is rejected for the same reasons provided for the claim 31 rejection.

23. As per claim 47, this claim is the independent apparatus variation of claims 46 above, and is rejected for the same reasons provided for the claim 46 rejection.

### ***Response to Arguments***

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24. As per applicant's argument concerning the lack of teaching by Downs et al of the same network node involved in the decryption of the encrypted decryption key, and the decryption of the content, the examiner has fully considered in this response to amendment (i.e., amended claim language to remedy the asserted deficient claim aspect); the arguments, and finds them not to be persuasive, and further, as responded to in the previous office action, explicit reference to the same node aspect is not claimed in any of the independent claims 16, 32, 47 or 48 (while it is implied in various dependent claims (e.g., claim 22)). More succinctly, insofar as the claim language reciting '... said distributing *comprising*: ...' *encompasses* the claimed aspect of distribution, it deals with the distribution without exclusivity distinguishing an exclusive distribution without any additional network node(s) assistance (i.e., first node to second node transfer without adjunct pathways to forward or pass thru key/content information).

As per the previous office action, at the very least, in the case of the compliant end user/end user player/player application, or rendering device, utilizing watermark rights (i.e., '... since watermarks become an integral part of the content [col. 7, line 66] ...') protection embodiment (e.g., col. 6, lines 65-col. 8, line 53, col. 10, lines 49-col. 11, line 54, as a pretext to the associated figures descriptions), the cryptographic (i.e., encryption/decryption keys, etc.,) aspects of the watermark as associated with the elements used for the various protection, metering, copy authorization and rendering aspects (i.e., the end user/device/application can only use the rendered content if it and its associated key(s) are decrypted), as *broadly interpreted by the examiner*, as per the claim language, and would therefore be applicable in the rejection, such that the rejection support references collectively encompass the said claim limitations in their entirety.

25. As per applicant's argument concerning the lack of teaching by Downs et al of the re-encryption of content as part of the explicit distribution aspect (i.e., not merely *comprising*, per se), as discussed above, the examiner has fully considered in this response to amendment; the arguments, and finds them not to be persuasive.

As per the previous office action, at the very least, as in the case of the compliant end user/end user player/player application, or rendering device, utilizing watermark rights protection embodiment (e.g., col. 6, lines 65-col. 8, line 53, col. 10, lines 49-col. 11, line 54, as a pretext to the associated figures descriptions) discussed above, the cryptographic (i.e., encryption/decryption keys, etc.) aspects of the watermark as associated with the elements used for the various protection, metering, copy authorization and *subsequent copying re-authorization aspects* (i.e., the end user/device/application can only be authorized to allow further rendering or copying based on the watermark information re-applied as per the watermark information re-encrypted via associated key(s)), as *broadly interpreted by the examiner*, as per the claim language, and would therefore be applicable in the rejection, such that the rejection support references collectively encompass the said claim limitations in their entirety.

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

27. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861 and unofficial email is Ronald.baum@uspto.gov. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad, can be reached at (571) 272-7884. The Fax number for the organization where this application is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner

Examiner, Art Unit 2439

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2439